

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

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OFFICE OF THE
EXECUTIVE SECRETARY

IN RE:

SHOW CAUSE PROCEEDING
AGAINST TALK.COM, INC.
d/b/a TALK AMERICA, INC.

DOCKET NO. 01-00216

**FINAL REPLY BRIEF IN OPPOSITION TO TALK.COM'S REQUEST TO
TAKE DEPOSITIONS OF COMPLAINING WITNESSES**

On February 6, 2002 the Consumer Advocate and Protection Division of the Office of the Attorney General of the State of Tennessee ("CAD") filed its *Brief in Opposition to Talk.com's Request to Take Depositions of Complaining Witnesses*. In response thereto and pursuant to the *Order Granting Joint Motion to Amend Procedural Schedule*¹ entered in this Docket on February 14, 2002, the Consumer Services Division ("CSD") of the Tennessee Regulatory Authority ("TRA") hereby supplements its responses to Talk.com's Request to Take Depositions of Complaining Witnesses as follows:

The CSD shares the CAD's view that "discovery can easily be done informally and with minimal expense."² Informal interviews are simply more practicable and less burdensome. The CSD shares the CAD's view that Talk.com has not attempted to informally interview the complaining witnesses and that depositions should not be allowed until Talk.com follows what is encouraged by Tenn. Comp. R. & Reg. 1220-1-2-

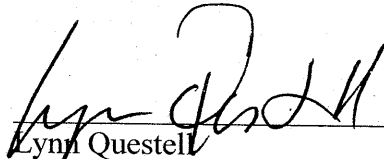
¹ The initial *Order Establishing Procedural Schedule* was entered on January 3, 2002. The *Order Supplementing Procedural Schedule* was entered on February 11, 2002.


² CAD *Brief in Opposition to Talk.Com's Request to Take Depositions of Complaining Witnesses* at 2-3.

.11 and "attempt to achieve any necessary discovery informally"³ To the extent that that depositions are permitted, they should be limited to those complaining witnesses Talk.com has attempted to informally interview and who have proven uncooperative. To the extent that depositions of uncooperative complaining witnesses is permitted, the depositions should be conducted telephonically so as to minimize the expense, delay and burden such depositions will cause.

The CSD otherwise rests on its *Brief in Opposition to Deposing the Consumers Included in the Show Cause Order and Response of the Consumer Services Division to Talk.com's brief in Support of Request to Take Depositions of Complaining Witnesses.*

Respectfully submitted,


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³ Tenn. Comp. R. & Reg. 1220-1-2-.11(1).

CERTIFICATE OF SERVICE

I, Randal Gilliam, hereby certify that I have served a copy of the foregoing *Final Reply Brief In Opposition To Talk.Com's Request To Take Depositions Of Complaining Witnesses* on the following person(s) by hand delivery or by depositing a copy of the same in the United States Mail, postage prepaid, addressed to them at the address(es) shown below, this 20 day of February, 20 02:

Henry Walker
Boult, Cummings, Conners & Berry, PLC
414 Union Street, Suite 1600
Nashville, TN 37219-8062


Randal Gilliam